

approved part 70 program for incorporation of minor NSR permits.

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FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[MM Docket No. 93-314; RM-8396]

Radio Broadcasting Services; Cadiz and Oak Grove, KY

AGENCY: Federal Communications Commission.

ACTION: Final rule; petition for reconsideration.

SUMMARY: The Chief, Policy and Rules Division, denied the petition for reconsideration filed by Southern Broadcasting Corporation of the Chief, Allocations Branch's Report and Order, 60 FR 52105, October 5, 1995, substituting Channel 293C3 for Channel 292A at Cadiz, reallocating Channel 293C3 from Cadiz to Oak Grove, Kentucky, and modifying Station WKDZ-FM's license accordingly. The Commission denied the petition because it failed to present new facts or arguments that were not considered in the Report and Order that would warrant a contrary decision. With this action, this proceeding is terminated.

EFFECTIVE DATE: June 20, 1996.

FOR FURTHER INFORMATION CONTACT: Bruce Romano, Mass Media Bureau, (202) 418-2120.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's *Memorandum Opinion and Order*, MM Docket No. 93-314, adopted May 24, 1996 and released June 7, 1996. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Reference Center (Room 239), 1919 M Street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractors, International Transcription Service, Inc. (202) 857-3800, 2100 M Street, NW., Suite 140, Washington, DC 20037.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Federal Communications Commission.

Douglas W. Webbink,

Chief, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 96-15671 Filed 6-19-96; 8:45 am]

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DEPARTMENT OF TRANSPORTATION

Research and Special Programs Administration

49 CFR Part 192

[Docket No. PS-118; Amendment 192-79]

RIN 2137-AB97

Excess Flow Valve—Performance Standards

AGENCY: Research and Special Programs Administration, (RSPA), DOT.

ACTION: Final rule.

SUMMARY: In the process of routine excavation activities, excavators often sever gas service lines causing loss of life, injury, or property damage by fire or explosion. Excess flow valves (EFVs) restrict the flow of gas by closing automatically when a line is severed, thus mitigating the consequences of service line failures. In this final rule, RSPA has developed standards for the performance of EFVs used to protect single-residence service lines. If an EFV is installed on such a line, it must meet these performance standards.

DATES: This final rule takes effect July 22, 1996.

FOR FURTHER INFORMATION CONTACT: Mike Israni (202) 366-4571, regarding the subject matter of this final rule, or the Dockets Unit, (202) 366-4453, regarding copies of this final rule or other material in the docket that is referenced in this rule.

SUPPLEMENTARY INFORMATION:

Statutory Mandate

In 49 U.S.C. 60110 Congress directs the Department of Transportation to issue regulations prescribing the circumstances under which operators of natural gas distribution systems must install EFVs. If the Department determines that there are no circumstances under which EFVs should be installed, the Department is to report this determination, and the reasons for the decision, to Congress. RSPA, on behalf of the Department, has determined that there are no circumstances under which the Department should require the installation of EFVs, primarily because the costs far exceed the benefits of such installation. RSPA has sent the report of its reasons for this determination to Congress. The report to Congress (April 4, 1995) and the cost/benefit analysis of mandatory EFV installation are available in the docket. Costs and benefits are also discussed later in this document under "Cost/Benefit Analysis."

49 U.S.C. 60110 further requires the Department to develop standards for the performance of EFVs used to protect service lines in a natural gas distribution system. The development of these standards is the subject of this rulemaking.

The statute also requires the Department to issue a rule requiring operators to notify customers about EFV availability and to offer to install EFVs that meet the performance standards, if the customer pays for the installation. RSPA will initiate a separate notice of proposed rulemaking for customer notification.

The Problem

Despite efforts, such as damage prevention programs, to reduce the frequency of excavation-related service line incidents on natural gas distribution service lines, such incidents persist and continue to result in death, injury, fire, or explosion. During the period from March 1991 through February 1994, 30 incidents with consequences that might have been mitigated by an EFV were reported to RSPA. These incidents, mostly excavation-related, resulted in 2 fatalities, 16 injuries, and an estimated \$3,249,595 in property damage. Incident history is explained in the November 1991 and January 1995 cost/benefit studies evaluating mandatory EFV installation. Because damage prevention measures are not foolproof, RSPA has sought to identify ways to mitigate the consequences of these incidents. The National Transportation Safety Board (NTSB) and others have proposed EFVs as a means of mitigation.

NTSB Recommendations

NTSB has recommended EFVs as a means of reducing or preventing injury or death from incidents resulting from service line breaks or ruptures. Since 1971, NTSB has issued seven recommendations regarding the use of EFVs in service lines. NTSB's recommendations are summarized and discussed in the Notice of Proposed Rulemaking on this rulemaking (58 FR 21524; April 21, 1993).

The Advance Notice of Proposed Rulemaking (ANPRM)

RSPA issued an ANPRM (55 FR 52188; December 20, 1990) seeking information on the desirability of requiring the installation of EFVs on gas distribution service lines to reduce the damage from service line ruptures. The ANPRM also contained a questionnaire to collect current operational data on the use of EFVs by natural gas distribution operators. The results of the